



## DIOCESE OF ROCKVILLE CENTRE

December 6, 2005

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Washington, DC 20554

Re: *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands*  
WT Docket No. 03-66

### **WRITTEN EX PARTE COMMUNICATION**

Dear Ms. Dortch:

On behalf of the Roman Catholic Diocese of Rockville Centre (the "Diocese"), I am writing to urge the FCC not to impose a term limit on Educational Broadcast Service ("EBS") leases. Should the FCC nonetheless decide that a term limit is necessary, we ask that EBS licensees be permitted to enter into leases that have a maximum term of 30 years.

The Diocese is a licensee of EBS channels serving Long Island, New York. Since the Commission moved earlier this year from its former EBS leasing rules to those adopted in the *Secondary Markets* proceeding (thereby eliminating the former fifteen year maximum EBS lease term), we have been in negotiations with various commercial entities interested in leasing excess capacity on our channels. We already have substantial experience with the leasing model, having leased our channels to a commercial operator for much of the past decade. We therefore are more than capable of deciding what type of lease (including length of term) will best address the educational needs of the Diocese. It is hard to see how taking that flexibility out of our hands will benefit the Diocese or the public interest.

Furthermore, our discussions with commercial operators have confirmed what is already obvious, *i.e.*, spectrum lessees are willing to pay considerably more for a longer lease, as it provides them with greater certainty that they will realize a return on their substantial investment in constructing wireless broadband facilities. Longer leases thus provide a "win-win" for both sides: the higher lease payments advance our educational mission, while the longer lease term enables the lessee to develop a viable business model for its broadband service.

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In sum, the Diocese and other local EBS licensees are best qualified to determine the merits of leasing for more than fifteen years. Forcing us into a mandatory fifteen year term will do nothing but limit our options for obtaining maximum value from the leasing model, which presumably is the opposite of what the FCC is trying to accomplish here. Hence, in the event that the FCC decides to depart from the *Secondary Markets* rules, we ask that it permit EBS licensees to lease EBS excess capacity for terms of up to thirty years.

Respectfully submitted,

/s/ Father Jim Vlaun

Father Jim Vlaun  
President & CEO  
Diocesan Television Operations (a.k.a. Telecare)

Cc:

Chairman Kevin J. Martin  
Commissioner Michael J. Copps  
Commissioner Kathleen Q. Abernathy  
Commissioner Jonathan S. Adelstein  
Fred Campbell  
John Giusti  
John Branscome  
Barry J. Ohlson

*Via Hand Delivery*